struction of the ambiguous part of Article 157 would be that provisions in the Rearrangement should receive the same interpretation as similar provisions in the Constitution of 1780 had received. This obviously would not apply to the instances of change in substance. In the last analysis, it must be remembered that the source of all constitutional authority is the will of the people, and it is submitted that the majority of the court displayed an over-technical attitude toward the people's solemn pronouncement. See COOLEY ON CONSTITUTIONAL LIMITATIONS [7th Ed.], 91 and 101, and DODD ON THE REVISION AND AMENDMENT OF STATE CONSTITUTIONS, 102.

CONSTITUTIONAL LAW—DUE PROCESS—OPERATION ON PRISONER WITHOUT A HEARING.—Acts 1907, c. 215, authorized the board of managers of institutions intrusted with the care of defectives and confirmed criminals to perform an operation of vasectomy on an inmate, if deemed advisable to prevent procreation, but gave the inmate no opportunity to cross-examine the experts who decided upon the operation, or to controvert their opinion. *Held,* unconstitutional as denying due process of law. *Williams et al.* v. *Smith,* (Ind., 1921), 131 N. E. 2.

It might be of interest to note that the operation of vasectomy (which consists of ligating and resecting a small portion of the *vas deferens*) was performed for the first time in this country by Dr. H. C. Sharp on certain convicts in the Indiana State Reformatory in 1899, and that the subsequent statute in that state, here declared unconstitutional, was the first one of its kind in the United States. The decision in the Indiana case is placed upon the ground that the statute deprives the prisoner of his day in court, in violation of the Fourteenth Amendment of the federal Constitution, the court citing *Davis* v. *Berry,* 216 Fed. 413, which held an Iowa statute unconstitutional for the same reason. In the latter case, however, the statute was a penal one, the operation being authorized on all criminals who had been twice convicted of a felony, and the court declared it unconstitutional for the further reason that it was a cruel and unusual punishment in violation of the Eighth Amendment of the Constitution. In this the case squarely refused to follow *State* v. *Feilen,* 70 Wash. 65. In Michigan a statute (1 COMP. L., 1915, Sec. 5176 *et seq.*) providing for sterilization of mentally defective persons maintained wholly or in part by public expense was held unconstitutional in *Haynes* v. *Lapeer Circuit Judge,* 201 Mich. 138, the court saying:

> "In this enactment the legislature selected out of what might be termed a natural class of defective and incompetent persons only those already under public restraint, leaving immune from its operation all others of like kind to whom the reason for the legislative remedy is normally and equally, at least, applicable, extending immunities and privileges to the latter which are denied the former."

A similar statute was held unconstitutional in New Jersey for the same reason. *Smith* v. *Board of Examiners,* 85 N. J. Law, 46. The holding of the principal case is right from the standpoint of law and fairness. The field of negative eugenics is a new one, and authorities are not agreed as to

its doctrines. 5 JOUR. OF CRIM. LAW AND CRIMINOLOGY, 514; 4 *ibid.* 326, 804. If at the present time society believes it can better protect and preserve itself by preventing the propagation of those whom it deems unfit, it should at least be zealous to throw every possible constitutional safeguard around the objects of its legislation. But as yet no case has gone to the root of the matter. The few cases involving these statutes have been decided on purely procedural grounds; fundamentals were not in issue. One is awaited with interest which will weigh the various factors of public welfare and the rights of the individual, together with the doctrines of science, and decide fundamentally whether a state has a right to enforce such a statute. See also 6 MICH. L. JOUR. 289, 11 MICH. L. REV. 150, 12 *ibid.* 400, 13 *ibid.* 160.

CONSTITUTIONAL LAW—VALIDITY OF THE NINETEENTH AMENDMENT.—On a petition to strike the names of two female citizens from the registry of voters, it was alleged that neither of them was entitled to register, as the Constitution of Maryland confined suffrage to males, and that the Nineteenth Amendment to the Federal Constitution providing for woman suffrage was invalid since it had never been "legally proposed, ratified or adopted as a part of the Constitution"; and that it was "in excess of any power to amend the Constitution." *Held,* petition should be dismissed, as the amendment is valid. *Leser et al.* v. *Garnett et al., Board of Registry,* (Md., 1921), 114 Atl. 840.

In the instant case the Maryland Supreme Court, following the decision of the federal Supreme Court in *Hawke* v. *Smith,* 253 U. S. 221; *Hawke* v. *Smith,* 253 U. S. 231; *Rhode Island* v. *Palmer* (National Prohibition Cases), 253 U. S. 350, 386, holds that the states cannot impose limitations on the amending power of the United States Constitution nor limit the rights of legislatures or conventions to ratify a proposed amendment. The court disposes of the argument that the amendment is not within the amending power of the Constitution by referring to the Fifteenth Amendment, and citing *United States* v. *Reese,* 92 U. S. 214, and *Neal* v. *Delaware,* 103 U. S. 370, to show the privilege of Congress to propose amendments forbidding the United States or the several states from discriminating against any class of its citizens in regard to their right to vote. The constitutionality of the Eighteenth and Nineteenth Amendments has been questioned before, but their validity has been uniformly sustained in the federal courts. For the men sitting on the Supreme Court of a state, or even of the United States, to declare invalid an amendment submitted by a two-thirds vote of both houses of Congress, and ratified by three-fourths of the state legislatures, would certainly involve political consequences of a serious nature, for a constitution based on the sovereignty of the people must enlist their support to be effective. Unless they are willing to act through it, rather than through some other mode of expression, it loses all force. The Constitution must grow and expand with the nation or be cast aside. From a practical standpoint, and despite all fine-spun legal theory, it would seem that the vast silent majority of the American people have the constitutional right to change their own Constitution. Many authors have discussed the general